

### REMARKS

The Action requires that Applicant elect either the Group I claims, Claims 1-16, drawn to a method; or the Group II claims, Claims 17-67, drawn to an apparatus. Applicant hereby elects the Group II apparatus claims and has canceled the method claims without prejudice hereinabove, subject to pursuit in a divisional application. This "supplemental" response is in reply to the Notice of Non-compliant amendment and adds the "withdrawn status" to Claims 30-67.

The Action also requires that Applicant further elect one of five sub-groupings of the apparatus claims:

(IIA) Claims 17-29 (apparatus with a horn rotor assembly and optional interchangeable horns);

(IIB) Claims 30-43 (horn rotor assembly);

(IIC) Claims 44-49 (kit to modify apparatus to convert from roll stock to unseamed casing);

(IID) Claims 50-62 (computer program products); and

(IIE) Claims 63-65 (system for producing encased products with interchangeable horns).

Applicant first submits that the IIE claims appear to be associated with Claims 63-67 and that Claims 1-67 are pending in the application as correctly stated at p. 2 of the Action, but which is stated as Claims 1-65 on the on the Summary page of the Action.

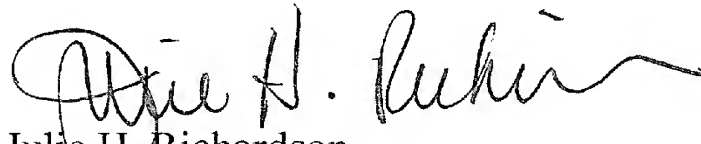
Applicant provisionally elects with traverse the Group IIA claims (Claims 17-29). Applicant respectfully requests that the other apparatus claims, and at least the Group IIE claims (Claims 63-67) be maintained in this application with the Group IIA claims as they share similar special technical features such that searching and examining these claims will not cause an undue hardship on the Examiner. As stated at MPEP 803 Restriction – When Proper ...If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicant respectfully submits that this application is now in condition for substantive examination, which action is requested. If any extension of time for the accompanying response

In re: Thomas E. Whittlesey et al.  
Application No. 10/729,282  
Filed: December 5, 2003  
Page 13

or submission is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Respectfully submitted,

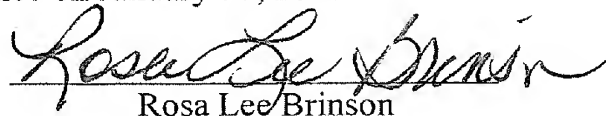


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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on January 17, 2007.



Rosa Lee Brinson